

Nancy Curry, Chapter 13 Trustee
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UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA – LOS ANGELES DIVISION	
IN RE: PALOMINO, HUMBERTO PALOMINO, REYNA	CASE NO. 2:17-bk-25522-VZ CHAPTER 13 TRUSTEE’S OBJECTION TO CONFIRMATION OF DEBTOR’S CHAPTER 13 PLAN UNDER 11 USC §§§1322, 1325 AND 1326; DECLARATION IN SUPPORT; NOTICE OF POSSIBLE DISMISSAL OR CONVERSION UNDER 11 USC §1307 DATE: May 13, 2019 TIME: 09:00 AM COURTROOM: 1368 255 East Temple Street Los Angeles, CA 90012

The Chapter 13 Standing Trustee hereby objects to the confirmation of the proposed plan because the Debtor has failed to meet all necessary requirements as detailed in the attached declaration and supporting Exhibit A.

THE FAILURE OF THE DEBTOR, OR THE ATTORNEY REPRESENTING THE DEBTOR, TO RESPOND TO THESE OBJECTIONS, APPEAR AT THE CONFIRMATION HEARING AND FAILURE TO PRESENT EVIDENCE THAT ALL REQUIRED PAYMENTS ARE CURRENT MAY RESULT IN DISMISSAL OR CONVERSION OF THE CASE.

Therefore, the Trustee respectfully requests that confirmation of the plan be denied and for such other relief as the Court may deem appropriate.

DATED: May 9, 2018

/s/ Nancy Curry
Chapter 13 Standing Trustee

DECLARATION OF MASAKO OKUDA

I, MASAKO OKUDA, declare as follows:

1. Nancy Curry is the Chapter 13 Standing Trustee in this matter:

PALOMINO, HUMBERTOPALOMINO, REYNA, 2:17-bk-25522-VZ

I am employed by the Trustee as a staff attorney and am duly qualified to make this declaration. The Trustee has files and records kept by her office in the regular course of business. I have personally reviewed the files and records kept by her office in the within case. The following facts are true and correct within my own personal knowledge and I could and would testify competently thereto if called upon to do so.

2. I object to the confirmation of the proposed Plan because of the specific deficiencies which are set forth in the attached Exhibit A which is incorporated herein by reference.

I declare under penalty of perjury that the foregoing is true and correct. Executed at Los Angeles, California on May 9, 2018.

DATED: May 9, 2018

/s/ Masako Okuda
Masako Okuda

Debtor: Humberto Palomino and Reyna Palomino
Case No.: 2:17-bk-25522-VZ §341(a): 5/3/2018

Debtor attorney: Joshua R. Engle

EXHIBIT A

Other issues may arise at or before confirmation requiring additional action or information by the debtor and counsel.

Plan service and notice

An incorrect objection deadline is stated in the Notice.

[FRBP 3015(f); 5003(e) and LBRs 2002-2(c)(1); 3015-1(b)(3), (d)(1) & (g)(1); 9013-3(a)]

The Plan

The Debtor has failed to properly complete the Plan because:

- (1) Interest rate on the arrears provided for Loan Depot in Class-2 is 310%.
- (2) Debtor's intent to pay the post-petition mortgage payment through the Plan is indicated in Class-2; whereas Schedule J reflects the direct payment of \$2,662/mo.
- (3) Debtor's intent to pay the ongoing payments to California Republic Bank through the Plan; whereas Schedule J reflects the direct payment of \$719/mo.

Best effort

Hamilton v. Lanning, 130 S.Ct. 2464 (2010)

The Plan does not represent a best effort of the Debtor because the Debtor has failed to commit all disposable income to the Plan – the payments for the truck (\$719/mo) will end in September 2021. [11 USC §1325(b)(1)(B)]

Income

The Debtor has failed to timely (7 days before the §341(a) debtor examination) provide complete copies of 2015 – 2017 Federal and State Income Tax Returns, including W-2s, 1099s (or other supporting documentation) [11 USC §521(e)(2), LBR 3015-1(c)(3)].

The Debtor-husband who is a self-employed truck driver has failed to comply with the business reporting requirements of LBR 3015-1(c)(4).

The Debtor-husband is requested to provide the actual monthly income and expense statements for July 2017 and 2018 YTD with supporting bank statements; and continue to provide these statements each month until a plan is confirmed.

The Income and Expense Statement Forms can be downloaded from the Trustee's website: <http://curry.trustee13.com>.

The Debtor has failed to provide documentation of rental income of \$2,100/mo (such as bank statements reflecting rental income deposits).

Statement of Financial Affairs (SOFA) - Blank or incomplete items

In re Rolland, 317 BR 402 (Bankr. C.D. Cal 2004)

The Debtor has failed to disclose income from 2016 and 2017.

PROOF OF SERVICE DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

1000 Wilshire Blvd., Suite 870
Los Angeles, CA 90017

A true and correct copy of the foregoing document entitled (specify) **TRUSTEE'S OBJECTION TO CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN UNDER 11 USC §§§1322, 1325 AND 1326; DECLARATION IN SUPPORT; NOTICE OF POSSIBLE DISMISSAL OR CONVERSION UNDER 11 USC §1307** will be served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On May 9, 2018, I checked the CM/ECF document for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

2. SERVED BY UNITED STATES MAIL: On May 9, 2018, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

PALOMINO, HUMBERTO
PALOMINO, REYNA
14339 PONTLAVOY AVE
NORWALK, CA 90650

JOSHUA R. ENGLE
LAW OFFICES OF JOSHUA R. ENGLE
333 CITY BLVD. WEST, SUITE 1700
ORANGE, CA 92868-

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P.5 and/or controlling LBR, on May 9, 2018, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission, and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Honorable Vincent Zurzolo
U.S. Bankruptcy Court
Bin outside of Suite 1360
255 East Temple Street
Los Angeles, CA 90012

I declare under penalty of perjury that the laws of the United States that the foregoing is true and correct.

May 9, 2018
Date

Carlos Robles
Type Name

/s/ Carlos Robles
Signature